

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A method of selecting a base transceiver system in a communication system comprising:

at least one base transceiver system providing to a mobile station load information that is a receiving probability of a signal;

the mobile station deciding a forward data transmission rate according to a channel state of the signal received from the base transceiver system;

the mobile station selecting a certain base transceiver system with which the mobile station will communicate using the provided load information and the decided forward data transmission rate; and

the mobile station requesting a forward data transmission to the selected base transceiver system, wherein the mobile station requests the forward data transmission through a data rate control (DRC) channel of a reverse link.

2. (Previously Presented) The method as claimed in claim 1, wherein the receiving probability is in reverse proportion to the number of mobile stations which the base transceiver system includes as its active set.

3. (Previously Presented) The method as claimed in claim 1, wherein the receiving probability is determined from a value obtained by dividing a length of a slot that received data by a length of a slot that requests the data to the specified base transceiver system.
4. (Original) The method as claimed in claim 1, wherein the receiving probability becomes different according to a kind of service and priority of the data received from the base transceiver system.
5. (Original) The method as claimed in claim 1, wherein the load information is transmitted to the corresponding mobile station using a synchronous control channel, asynchronous control channel, or dedicated channel.
6. (Previously Presented) The method as claimed in claim 1, wherein selecting a certain base transceiver system further comprises:
- multiplying the load information provided for each base transceiver system by the forward data transmission rate determined for each base transceiver system;
  - comparing values calculated for the respective base transceiver system with one another; and

selecting the base transceiver system having the largest value according to a result of comparison.

7. (Original) The method as claimed in claim 1, wherein the respective base transceiver systems belong to the active sets activated by the mobile station.

8. (Cancelled)

9. (Currently Amended) The method as claimed in claim 8<sup>1</sup>, wherein the data transmission rate information of a forward link to be transmitted from the base transceiver system and the information on the base transceiver system selected by the mobile station are inserted into and transmitted through the DRC channel.

10. (Currently Amended) The method as claimed in claim 8<sup>1</sup>, further comprising the base transceiver system receiving the DRC channel transmitted from the mobile station;

the base transceiver system checking the mobile station that completes the DRC channel transmission until  $((\text{present slot time}) - 1 - (\text{present slot time} \bmod (\text{DRC channel length})))$ ;

the base transceiver system determining the data transmission scheduling for one among the checked mobile stations according to the received DRC channel information; and

performing the data transmission according to the data transmission rate requested by the corresponding mobile station according to the scheduling.

11. (Currently Amended) A method of selecting a base transceiver system in a communication system comprising:

receiving probability information and channel state information through a forward link;

estimating a forward data transmission rate corresponding to the channel state information;

selecting a corresponding base transceiver system in which the estimated forward data transmission rate and a value proportioned to the receiving probability in an active set become maximum; and

requesting a forward data transmission to the selected base transceiver system through a data rate control (DRC) channel of a reverse link.

12. (Previously Presented) The method as claimed in claim 11, wherein the receiving probability is in reverse proportion to the number of mobile stations which the base transceiver system includes as its active set.

13. (Previously Presented) The method as claimed in claim 11, wherein the receiving probability is determined from a value obtained by dividing a length of a slot that received data by a length of a slot that requests the data to the specified base transceiver system.
14. (Original) The method as claimed in claim 11, wherein the receiving probability becomes different according to a kind of service and priority of the data received from the base transceiver system.
15. (Original) The method as claimed in claim 11, wherein the load information is transmitted to the corresponding mobile station using a synchronous control channel, asynchronous control channel, or dedicated channel.
16. (Original) The method as claimed in claim 11, wherein the receiving probability information is transmitted to corresponding mobile stations in case that the corresponding base transceiver system is included in an active set of a new mobile station.
17. (Original) The method as claimed in claim 11, wherein the receiving probability information is transmitted to corresponding mobile stations in case that the active set is changed over a threshold value.

18. (Original) The method as claimed in claim 11, wherein the receiving probability information is periodically transmitted to corresponding mobile stations according to a timer, or non-periodically transmitted according to a request of the corresponding mobile station.

19. (Original) The method as claimed in claim 11, wherein the mobile station is a mobile station that can perform data transmission/reception with at least two base transceiver systems.

20. (Original) The method as claimed in claim 11, further comprising the steps of:  
calculating a bit error rate or packet error rate from the channel state information; and  
determining the data transmission rate according to the calculated bit error rate or packet error rate.

21. (Currently Amended) A method of selecting a base transceiver system in a mobile station, comprising:  
receiving load information corresponding to each of a plurality of base transceiver systems;  
deciding a data transmission rate based on channel state information;  
requesting forward data transmission through a data rate control (DRC) channel of a reverse link;

selecting a base transceiver system from among said plurality of base transceiver systems using said received load information and said data transmission rate; and  
establishing data transmission with said selected base transceiver.

22. (Previously Presented) The method of claim 21, wherein said load information of each of at least one base transceiver system is a receiving probability of a signal.

23. (Previously Presented) The method of claim 22, wherein said receiving probability of each of at least one base transceiver system is in reverse proportion to the number of mobile stations the corresponding base transceiver system includes as its active set.

24. (Previously Presented) The method of claim 22, wherein said receiving probability is determined from a value obtained by dividing a length of a slot that received data by a length of a slot that requests the data to a specified base transceiver system.

25. (Previously Presented) The method of claim 21, wherein said deciding a data transmission rate is based on channel states of signals received at the mobile station from said at least one base transceiver system.

26. (Previously Presented) The method of claim 21, wherein said selecting further comprises:

    multiplying said received load information from each base transceiver system by said data transmission rate decided for each base transceiver system;

    comparing values of said multiplying results; and

    selecting a base transceiver system having the largest value according to said comparing result.

27. (Previously Presented) The method of claim 21, wherein said at least one base transceiver system belongs to an active set activated by the mobile station.

28. (Previously Presented) The method of claim 21, wherein said channel state information is obtained from a pilot signal sent from said at least one base transceiver system.

29. (Previously Presented) The method of claim 21, wherein said load information is receiving probability information.